



**Littler Mendelson, P.C.**  
290 Broadhollow Road  
Suite 305  
Melville, NY 11747

January 28, 2020

Daniel Gomez-Sanchez  
631.247.4713 direct  
631.247.4700 main  
631.824.9249 fax  
dsgomez@littler.com

**VIA ECF**

Honorable Joan M. Azrack  
United States District Judge  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11722

Re: Dennis L. D'Aquino, et al., v. Garda CL Atlantic, Inc.  
Docket No. 16-cv-00641 (JMA)(AKT)

Jimmy L. Adkins, et al., v. Garda CL Atlantic, Inc.  
Docket No. 17-cv-2532 (JMA)(AKT)

Dear Judge Azrack:

This firm represents Garda CL Atlantic, Inc. ("Defendant") in the above-referenced consolidated actions. We write to move to strike the proposed briefing schedule filed by Steven Moser, who purports to represent the *Adkins* plaintiffs. As the Court is aware, Mr. Moser filed an improper "Notice of Consent to Change Attorney" on January 23, 2020, which we opposed on January 24, 2020. In attempt to circumvent the substitution requirements, Mr. Moser then filed a "Notice of Appearance of Co-Counsel", in which he purports to "co-represent" the *Adkins* plaintiffs. The Court has not issued any order on Mr. Moser's substitution or Defendant's motion to strike his Notice of Appearance. Accordingly, the filing of a proposed briefing scheduled at this juncture is improper, and Defendant has not consented to same.

Defendant respectfully requests a conference before the Court to discuss the issues arising from Mr. Moser's attempt to represent the *Adkins* plaintiffs, and to discuss their proposed motion for remand, which differs in theory from that previously pursued by Ann Ball, the *Adkins* plaintiffs' current attorney.

Thank you for the Court's consideration of this matter.

Respectfully submitted,

LITTLER MENDELSON, P.C.

/s/*Daniel Gomez-Sanchez*

Daniel Gomez-Sanchez  
4846-3830-1363.1 067762.1380